

U.S.A. vs GABINO VALENCIA-GONZALEZ

No. 08CR2058-BEN

The Court finds excludable delay, under the section indicated by check (☒),

commenced on 1-1-08 and ended on 7-21-08; (☒)
 and ended on 7-21-08 (X7,X71)

- 3161(h)
☐ (1) (A) Exam or hrg for **mental or physical incapacity**
☐ (1) (B) **NARA examination** (28:2902)
☐ (1) (D) State or Federal trials or **other charges pending**
☐ (1) (E) **Interlocutory appeals**
☐ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
☐ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
☐ (1) (J) **Proceedings under advisement** not to exceed thirty days
☐ Misc proc: Parole or prob rev, deportation, **extradition**
☐ (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less
☒ (1) (I) Consideration by Court of **proposed plea agreement**
☐ (2) **Prosecution deferred** by mutual agreement
☐ (3) (A) (B) **Unavailability of defendant or essential witness**
☐ (4) Period of **mental or physical incompetence** of defendant to stand trial
☐ (5) Period of **NARA commitment or treatment**
☐ (6) **Superseding indictment and/or new charges**
☐ (7) **Defendant awaiting trial of co-defendant** when no severance has been granted
☐ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance
☐ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
 (Continuance - miscarriage of justice)
 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
 (Continuance - tendered a guilty plea)
☒ (8) (B) (ii) 2) **Case unusual or complex**
☐ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
☐ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare
 (Continuance re counsel)
☐ 3161(I) Time up to **withdrawal of guilty plea**
☐ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 7/1/08

[Signature]
 Judge's Initials

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